IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 846 (S/S) of 2007

Jeewani Bhansora W/o Anil Bhansora
R/o Chimsianola, G.I.C. Road,
Pithoragarh -------- Petitioner

Versus

1. State of Uttarakhand through Director of Education Uttarakhand, Dehradun
2. District Education Officer, District Pithoragarh
3. Additional District Education Officer, (Basic) District Pithoragarh

---------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lalit Samant, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand for the respondents.

The petitioner, who is a teacher of Primary School and at present is posted at Primary School Papdev-I, Block Bin, District Pithoragarh, has challenged the order dated 12.06.2007 passed by Additional District Education Officer (Basic)/District Education Officer, Pithoragarh, by which she has been transferred to Primary School Adichaura, Didihat, District Pithoragarh.

The petitioner has challenged the impugned order on two grounds. First ground on which the petitioner has attacked the transfer order is that her mother-in-law is suffering with chronic arthritis and father-in-law is also suffering with heart ailment and nobody is there to look after them, and they are residing and getting medical treatment at Pithoragarh.

I am not impressed with this submission made by the learned counsel for the petitioner because almost all the Government employees may have this type of problem and in case the transfers are stayed considering these problems, the State cannot run and, therefore, transfers cannot be stayed by the Court on this ground and it will not be proper to Court to interfere in these circumstances.

The second ground on which the petitioner has attacked the impugned order is that the petitioner was posted in the primary School Papdev-I in the year 1995. However, Smt. Geeta Pandey who is working since 1983 and Smt. Sarojini Joshi who is working since 1985 in the Primary School Papdev-I, these two teachers were transferred by the competent authority in the year 2004, however, they have managed not to join to the transferred place in the year 2004.

On 1st February, 2005, the Director of Education, Dehradun issued specific directions to the District Education Officer and the Additional District Education Officer (Basic) to ensure joining of the employees at the transferred place. In spite of this order, the respondents have given favour to Smt. Geeta Pandey and Smt. Sarojini Joshi and have not complied with the order passed by the Director of Education and now the petitioner has been transferred from Primary School Papdev-I, Block Bin, District Pithoragarh to Primary School Adichaura, Didihat on the ground that the petitioner comes within the category of teachers who are working in excess of the strength sanctioned by the Government in the school. Learned counsel for the petitioner has further submitted that in case the teachers are more than the sanctioned strength in Primary School Papdev-I, why the respondents have not chosen to

transfer Smt. Geeta Pandey, who is working in the school since 1983 or Smt. Sarojini Joshi, who is working in the school since 1985 and under which circumstances the petitioner, who has the shortest stay at the school as she joined there in the year 1995, has been transferred.

If the allegations made by the petitioners are true, then there is force in this submission of the learned counsel for the petitioner. In these circumstances, I deem it fit and proper to direct the District Education Officer/Additional District Education Officer (Basic), Pithoragarh to explain why the petitioner has been transferred under these circumstances and why Smt. Geeta Pandey and Smt. Sarojini Joshi had been given favour by the respondents. This explanation shall be given by the authorities aforesaid to the Director of Education, Dehradun within a period of three weeks from the date of production of a certified copy of this order.

After receiving the explanation, the Director of Education or any other Officer nominated by the Director of Education shall pass necessary order in this respect.

Till the matter is pending before the Director of Education or any other Officer nominated by him on this question, the petitioner shall not be relieved from Primary School Papdev-I, Block Bin, District Pithoragarh.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

11.07.2007 **(M.M. Ghildiyal, J.)**
VKS